MONTANA LEGISLATIVE HISTORY

Chapter 226 19 74

Bill H 950 S _____ Original bill & history ____C

H. Committee on State Administration			S. Committee on State Administration		
Hearing Date(s)	Jan 26	✓C	Hearing Date(s)	March	✓C
	_____	____C		_____	____C
	_____	____C		_____	____C
	_____	____C		_____	____C
Date Out	Jan 26	✓C		March	✓C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

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STATE ADMINISTRATION COMMITTEE

January 26, 1974

The State Administration Committee meeting was called to order this date at 10:30 a.m. with Chairman Brand presiding. All members were present except Rep Mercer.

HJR 41 and HB 660 - Rep Halvorson spoke in favor of HB 660 and presented a statement from her and Rep Brown in conjunction with their bills (see attachment).

HB 599 - Rep Ulmer submitted amendments.

HB 950 - Rep Roberts, chief sponsor, spoke in favor of this bill. Pat Melby, Government Operations Unit, explained the content of the bill. He also submitted some technical amendments that were left out of the original bill accidentally.

HB 676 - Rep Towe, chief sponsor, spoke in favor of this bill. He submitted documents (attached) supporting his position. Rep Towe suggested an amendment be made to the bill on page 2, line 3 after the word "the" by deleting the remaining material and inserting in lieu thereof the following material: "rates agreed to under such a contract."

Other proponents to HB 676 were Harry L. Billings, Montana State AFL-CIO; Clyde Jarvis, Montana Farmers Union (see attachments); and Dan Mizner, Montana League of Cities and Towns.

Bob Corette, MPCo.; Gene Phillips, PP&L; Peter Pauly, MDU; and Charles F. Clifton, Great Falls Gas Company; all appeared in opposition to HB 676. Earle E. Garrison, Great Falls Gas Company, submitted written testimony in opposition (see attachment).

HB 957 - Rep Gerke spoke in favor of this bill. He also submitted some amendments (attached). Tom Schneider, MPEA, appeared in support of this bill. There were no opponents.

HB 632 - Rep Ulmer made a motion that the amendments as submitted be adopted. The motion was then withdrawn. After some discussion

HB 599 - Rep Ulmer made a motion that the amendments as submitted DO PASS. Rep Menahan seconded and the motion carried.

Rep Ulmer then made a motion that HB 599 as amended DO PASS. Rep Towe seconded and the motion carried.

HJR 23 - Rep Ulmer made a motion that HJR 23 DO NOT PASS. Rep Hageman seconded and the motion carried.

HJR 41 - Rep Seifert made a motion to DO NOT PASS. Rep Greely seconded. Rep Ulmer made a substitute motion that HJR 41 be amended on page 2, line 3 after the word "that" by deleting the remaining material up to the words "the Montana" on page 2, line 6, and

be further amended on page 2, line 7 after the material "82-3603," by omitting "is formed", and

be further amended on page 2, line 10 after the word "required" by deleting the material "for the commission".

Rep Bardanouve made a substitute motion that all previous action on HJR 41 and HB 660 be disregarded and postponed until a further date. Rep Ulmer seconded and the motion passed with Reps Greely, Seifert, Flynn, Towe, Burnett and Menahan voting no.

HB 950 - Rep Flynn made a motion to DO PASS. Rep Kessner seconded.

Rep Ulmer made a substitution motion that HB 950 as amended DO PASS. Rep Towe seconded and the motion carried.

HB 957 - Rep Greely made a motion that the amendments as submitted DO PASS. Rep Bardanouve seconded and the motion carried.

Rep Greely moved to amend HB 957 on page 2, section 3, line 15 by deleting the words and punctuation "county attorney,". Rep Ulmer seconded and the motion carried.

WITNESS STATEMENT

Name Patrick E. Melby Date Jan 26, 1974

Address Rm 221 Capital Building Support? ✓

Representing Government Operations Unit, Governor's Office Oppose?

Which Bill? House Bill 950 Amend? ✓

Comments:

RECODIFICATION OF THE LAWS

PERTAINING TO THE STATE BUILDING CODE

This is an explanation of the proposed recodification of the laws pertaining to the State Building Code. A recodification is required to reflect the changes made by the Executive Reorganization Act of 1971 and Chapter 250, Laws of Montana 1973. Briefly stated, the Reorganization Act of 1971:

--Abolished the office of State Controller and transferred its functions pertaining to the State Building Code to the Department of Justice;

--Abolished the State Building Code Council and transferred its functions to the Department of Justice.

Chapter 250, Laws of Montana 1973, in turn, transferred the functions relating to the State Building Code from the Department of Justice to the Department of Administration.

The laws governing the State Building Code are contained in Title 69, Chapter 21, R.C.M. 1947.

For the most part, only name changes were made in these laws to

Department of Administration.

The laws governing the State Building Code are contained in Title 69, Chapter 21, R.C.M. 1947.

For the most part, only name changes were made in these laws to reflect changes made by the Executive Reorganization Act and Chapter 250. Also, in some sections, proposed changes were made in writing style and some archaic and obsolete language was removed.

Altogether, nineteen sections are proposed to be amended. A total of six sections were found to be superseded by other laws, including the Reorganization Act, or obsolete and no longer needed and, therefore, proposed to be repealed.

A section-by-section indication of the proposed disposition of the laws pertaining to the State Building Code is contained in the reference table which follows.

REFERENCE TABLE--RECODOFICATION OF THE LAWS

PERTAINING TO THE STATE BUILDING CODE

Section	Change	Reason
69-2104	Repealed	This section is an obsolete purpose clause. Also, section 69-2110 contains a more comprehensive purpose clause.
69-2105	Amended	Style changes, plus the definitions of "mobile home" and "recreational vehicle" were moved to this section from section 69-2121.
69-2106	Repealed	This section deals with the creation of the abolished Building Code Council. Because the council no longer exists, this section can be repealed.
69-2107	Amended	Name and style changes.
69-2108	Repealed	Section 69-2109 provides that the Department of Administration shall administer this chapter. Also, the position of State Controller was abolished by the Executive Reorganization Act. Therefore, this section can be repealed.
69-2109	Amended	Name and style changes.
69-2110	Amended	The word "act" was changed to "chapter" to include all present and subsequent acts which may be added.

		troller was abolished by the Executive Reorganization Act. Therefore, this section can be repealed.
69-2109	Amended	Name and style changes.
69-2110	Amended	The word "act" was changed to "chapter" to include all present and subsequent acts which may be added.
69-2111	Amended	Name and style changes. Also, changes were made to conform to the Administrative Procedure Act.
69-2112	Amended	Name change--short method. (See section 11 of the bill.)
69-2113	Amended	Style changes. Also, "act" was changed to "chapter".
69-2114	Amended	Name and style changes. Also, changes were made to conform to the Administrative Procedure Act.
69-2115	Repealed	This section, dealing with judicial review, is now covered by the Montana Administrative Procedure Act; therefore, it can be repealed.

Section	Change	Reason
69-2116	Amended	Name change--short method. (See section 11 of the bill.)
69-2117	Amended	Name change--short method. (See section 11 of the bill.)
69-2118	No Change	
69-2119	Amended	Name and style changes.
69-2120	Repealed	This is a grandfather clause which is now obsolete; therefore, it may be repealed.
69-2121	Repealed	The definitions in this section were moved to section 69-2105.
69-2122	Amended	Name and style changes. Also, the statement of policy was deleted.
69-2123	Amended	Name and style changes. Also, an obsolete grandfather clause was deleted.
69-2124	Amended	Name change--short method. (See section 11 of the bill.)
66-2416	Amended.	Name change--short method. (See section 12 of the bill.)
66-2802	Amended	Name change--short method. (See section 12 of the bill.)
69-4117	Amended	Name change--short method. (See section 12 of the bill.)
82-1202	Amended	Name change--short method. (See section 12 of the bill.)
82-1202.1	Amended	Name change--short method. (See section 12

		of the bill.)
69-4117	Amended	Name change--short method. (See section 12 of the bill.)
82-1202	Amended	Name change--short method. (See section 12 of the bill.)
82-1202.1	Amended	Name change--short method. (See section 12 of the bill.)

purpose of the original act had been to limit the maximum of liability coverage an agency could have. Therefore, Mr. Crosser felt that it should be left up to the discretion of the entity how much insurance liability coverage they could afford, or even whether or not to carry insurance in some instances.

Mr. Dan Mizner, Executive Director of the League of Cities and Towns, stated that he supports House Bill 796 and agrees with the testimony of Mr. Crosser. Mr. Mizner stated that when they start talking about insurance coverage for cemeteries or a three-day long rodeo, they are told that they have to carry a minimum of $1,000,000 coverage, and he felt this was ridiculous.

A discussion followed, with questions from the committee members.

HOUSE BILL NO. 823: "An act providing for accumulation of annual vacation leave for public officers and employees."

Representative Joe Brand, chief sponsor of the bill, stated that it merely equalizes the benefits for accumulation of vacation of employees with over 10 years of service.

Mr. Donald R. Judge, representing AFSCME and AFL-CIO, testified as a proponent of House Bill 823. He felt this bill would be very little added expense to the state, and merely provides for some restitution for the years of dedication and service of employees. He left a written statement for the record.

Mr. Tom Schneider, Executive Director of the MPEA, also appeared as a proponent of the bill, and stated that it had come about as a result of requests received from the heads of two state agencies. He too felt that the attached fiscal note shows that this bill would have very little, if any, effect on the budgets. Mr. Schneider explained that vacation leave, as defined in the law, means "leave of absense with pay at the request of the employee and with the consent of the employer." Therefore, he felt there would be little chance for abuse if this bill passes. He stated that this would effect about 21,000 city, county, and state employees. Mr. Schneider also left a copy of written testimony for the record.

HOUSE BILL NO. 950: "An act for the general revision of the laws relating to the State Building Code."

Mr. Pat Melby, staff attorney in the Government Operations Unit, explained that he had been asked by Representative Joe Roberts to appear on his behalf regarding this bill. Mr. Melby went through each section of the bill, which he stated was an executive reorganization bill. He also left a copy of written testimony for the record. The amendments he proposed for the bill are as follows:

Amend the third reading blue copy of House Bill 950 on page 9, Section 5, subsection (4) on line 22 following the word "or" by reinstating the stricken material "~~state electrical~~"; further

amend line 22 preceding the word "board" by deleting the underlined word "~~the~~"; and further amend line 22 following the word "board" by deleting the underlined word "~~of~~";

And further amend page 9, Section 5, subsection (4) at the beginning of line 23 by deleting the underlined word "~~electri-cians~~";

And further amend page 10, Section 5, subsection (5), line 8 following the word "health" be reinstating the stricken words and punctuation "~~and environmental sciences,~~"; and further amend line 8 following the word "or" by reinstating the stricken word "~~state~~";

And further amend page 10, Section 5, subsection (5), at the beginning of line 9 by reinstating the stricken word "~~electrical~~"; and further amend line 9 following the word "board" by deleting the underlined words "~~of electricians~~";

And further amend page 17, Section 9, line 2, following the word "The" by striking the word "~~council~~" and inserting in lieu thereof the word "department".

Senator Story then made a motion that the committee adopt the amendments to House Bill 950 as proposed by Mr. Pat Melby. The motion was seconded by Senator Sorenson, and carried unanimously.

Senator Story then made a motion that the committee recommend House Bill 950 BE CONCURRED IN AS AMENDED. The motion was seconded by Senator Sorenson, and carried unanimously.

DISPOSITION OF BILLS

HOUSE BILL 670: Mr. Doyle Saxby, Director of the Department of Administration, was present to answer questions relating to this bill. He handed out a written sheet of suggested amendments to the committee members. (One is attached.)

After considerable discussion, the committee came up with the following amendments to House Bill 670:

Amend the third reading blue bill in the title on page 1, line 6, following the second word "ACT" by striking the words "~~EXEMPTING LEGISLATIVE~~" and inserting in lieu thereof the words, figures and punctuation "AMENDING SECTION 59-904, R.C.M. 1947,";

And further amend the title on page 1, line 7, at the beginning of the line by striking the words "~~EMPLOYEES AND~~" and inserting in lieu thereof the words "TO EXEMPT"; and further amend the title on page 1, line 7, following the word "EMPLOYEES" by striking the words "~~OF ELECTED OFFICIALS~~";

And further amend the title on page 1, line 8, preceding the word "PROVISIONS" by striking the word "~~THE~~" and inserting in lieu thereof the word "CERTAIN"; and further amend line 8 following the word "OF" by striking the material "~~SECTION 59-904, R.C.M. 1947~~"

ROLL CALL

STATE ADMINISTRATION COMMITTEE

SECOND HALF - 43rd LEGISLATIVE SESSION 1974 Date 3/1/74

NAME	PRESENT	ABSENT	EXCUSED
DAVID F. JAMES, Chairman	X		
STANLEY NEES, Vice Ch.	X		
GEORGE BENNETT	X		
GEORGE DARROW			X
JACK DEVINE	X		
JACK McDONALD			X
ANTOINETTE ROSELL	X		
C. F. (Smokey) SORENSON	X		
PETE STORY	X		

DATE March 1, 1974

COMMITTEE ON STATE ADMINISTRATION BILL NO. HB 599, 796 823, 950

VISITOR'S REGISTER

NAME	REPRESENTING	BILL NO	Check One Support	Oppo
Joe Brand	Self	823	✓	
Don Judge	AFSCME AFL-CIO	823	✓	
Elmer Lickey		796	✓	
Dick Morgan	Mont Farmers Union	796	X	
Walter J. Palmer	St. Representative	599	X	
Pat Melby	Government Operations	950	✓	
James B. Wilson	Helena Industries	599	X	
Allen Hinkle	Self	599	✓	
Don Bean	MPEA	823	✓	
Tom Schneider	MPEA	823	✓	

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82-1202	Amended	Name change--short method. (See section 12 of the bill.)
82-1202.1	Amended	Name change--short method. (See section 12 of the bill.)

it for themselves, may have the care provided by the physicians appointed by such board who shall be known as county physicians or deputy county physicians, and may fix a rate of compensation for the furnishing of such medical attendance.

The board of county commissioners shall have the responsibility of making suitable arrangements to provide respectable burial for *nonresidents within the county and county residents* for whom such expenses are not otherwise available."

Section 3. Sections 71-114, 71-116, 71-117, 71-302.1, and 71-304, R.C.M. 1947, are repealed.

Approved March 15, 1974

CHAPTER NO. 226

AN ACT FOR THE GENERAL REVISION OF THE LAWS RELATING TO THE STATE BUILDING CODE; AMENDING SECTIONS 66-2416, 66-2802, 69-2105, 69-2107, 69-2109, 69-2110, 69-2111, 69-2112, 69-2113, 69-2114, 69-2116, 69-2117, 69-2119, 69-2122, 69-2123, 69-2124, 69-2416, 69-4117, 82-1202 AND 82-1202.1; AND REPEALING SECTIONS 69-2104, 69-2106, 69-2108, 69-2115, 69-2120 AND 69-2121, R.C.M. 1947.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 69-2105, R.C.M. 1947, is amended to read as follows:

"69-2105. **Definitions.** As used in this *chapter*, unless the context *requires* otherwise:

(1) "Municipality" means any incorporated city or town and its jurisdictional area as defined by subsection *(12)* of this section.

(2) "Building regulations" means any law, rule, resolution, regulation, ordinance, or code, general or special, or compilation thereof enacted or adopted by the state or any municipality, including departments, boards, bureaus, commissions, or other agencies of the state or a municipality relating to the design, construction, reconstruction, alteration, conversion, repair inspection, or use of buildings and installation of equipment in buildings. The term does not include zoning ordinances.

(3) "Department" means the department of administration *provided for in title 82A, chapter 2.*

(4) "Local building department" means the agency or agencies of any municipality charged with the administration, supervision, or enforcement of building regulations, approval of plans, inspection of buildings, or the issuance of permits, licenses, certificates and similar documents, prescribed or required by state or local building regulations.

(5) "State agency" means any state officer, department, board, bureau, commission, or other agency of this state.

(6) "Building" means a combination of any materials, whether mobile, portable, or fixed to form a structure and the related facilities for the use or occupancy by persons, or property. The word "building" shall be construed as though followed by the words "or part or parts thereof."

(7) "Equipment" means plumbing, heating, electrical, ventilating, air conditioning, and refrigerating equipment, elevators, dumb-waiters, escalators, and other mechanical additions or installations.

(8) "Construction" means the original construction, and equipment of buildings, and requirements or standards relating to or affecting materials used including provisions for safety and sanitary conditions.

(9) "Owner" means the owner or owners of the premises or lesser estate, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm, or corporation, in control of a building.

(10) "Local legislative body" means the council or commission charged with governing the municipality.

(11) "State building code" means the state building code provided for in section 69-2111 or any portion of the code of limited application, and any of its modifications or amendments.

(12) "Municipal jurisdictional area" means the area within the limits of an incorporated municipality unless the area is extended at the written request of a municipality. Upon request the council may approve extension of the jurisdictional area to include all or part of the area within four and one-half (4 ½) miles of the corporate limits of a municipality, measured in a straight line in a horizontal plane.

(13) "Public place" means any place which a municipality or state maintains for the use of the public, or a place where the public has a right to go and be.

(14) "Mobile home" means any dwelling unit larger than two hundred fifty-six (256) square feet in area which is either wholly or in substantial part manufactured at an off-site location and any movable or portable dwelling over thirty-two (32) feet in length and over eight (8) feet wide, constructed to be towed on its own chassis and designed without a permanent foundation for year-round occupancy, which includes one (1) or more components that can be retracted for towing purposes and subsequently expanded for additional capacity, or of two (2) or more units separately towable but designed to be joined into one (1) integral unit, as well as a portable dwelling composed of a single unit.

(15) "Recreational vehicle" means any movable or portable dwelling primarily designed as temporary living quarters for recreational, camping or travel use which either has its own motive power or is mounted on or drawn by another vehicle and which is less than thirty-two (32) feet in length."

Section 2. Section 69-2107, R.C.M. 1947, is amended to read as follows:

"69-2107. **Applicable to public places outside municipalities — limitation of code.** (1) Outside municipalities and their jurisdictional area as defined by section 69-2105, subsection *(12)* of this *chapter*, this *chapter* applies to "public places" as defined in section 69-2105, subsection *(13)*.

(2) Where good and sufficient cause exists, a written request for limitation of the state building code may be filed with the *department* for filing as a permanent record. The *department* may limit the application of any rule or portion of the state building code to include or exclude:

(a) specified classes or types of buildings, according to use, or other distinctions as may make differentiation or separate classification or regulation necessary, proper, or desirable;

(b) specified areas of the state based upon size, population density, special conditions prevailing therein, or other factors which make differentiation or separate classification or regulation necessary, proper, or desirable."

Section 3. Section 69-2109, R.C.M. 1947, is amended to read as follows:

"69-2109. **Duties of department**. The *department* shall *administer this chapter, and for that purpose shall:*

(1) issue orders necessary to effectuate the purposes of this act and enforce the orders by all appropriate administrative and judicial proceedings;

(2) enter, inspect, and examine buildings or premises necessary for the proper performance of *its* duties under this *chapter;*

(3) study the operation of the state building code, local building regulations, and other laws related to the construction of buildings to ascertain their effects upon the cost of building construction and the effectiveness of their provisions for health and safety;

(4) recommend tests or require the testing and approval of materials, devices, and methods of construction to ascertain their acceptability under the requirements of the state building code and issue certification of such acceptability;

(5) appoint experts, consultants, *and* technical advisers for assistance and recommendations relative to the formulation and adoption of the state building code;

(6) advise, consult, and co-operate with other agencies of the state, local governments, industries, and interested persons or groups."

Section 4. Section 69-2110, R.C.M. 1947, is amended to read as follows:

"69-2110. **Purposes of state building code.** The state building code shall be designed to effectuate the general purposes of this *chapter* and the following specific objectives and standards to:

(1) provide reasonably uniform standards and requirements for construction and construction materials, consonant with accepted standards of design, engineering and fire prevention practices;

(2) permit to the fullest extent feasible, the use of modern technical methods, devices, and improvements which tend to reduce the cost of construction consistent with reasonable requirements for the health and safety of the occupants or users of buildings;

(3) eliminate restrictive, obsolete, conflicting, and unnecessary building regulations and requirements which tend to increase unnecessarily construction costs or retard unnecessarily the use of proven new materials which have been found adequate through experience or testing, or provide unwarranted preferential treatment to types or classes of materials or products or methods of construction;

(4) ensure that buildings constructed with public funds are accessible to, and functional for, physically handicapped persons where practicable and feasible."

Section 5. Section 69-2111, R.C.M. 1947, is amended to read as follows:

"69-2111. **Adoption of rules by department**. (1) The *department* shall adopt by reference nationally recognized building codes in whole or in part, amend and repeal rules relating to the construction of all buildings or classes of buildings or the installation of equipment in those buildings, and may by rule prescribe standards or requirements for materials to be used in buildings including provisions dealing with safety and sanitation. The rules, when adopted as provided in this *chapter*, constitute the "state building code" and shall be acceptable for the buildings to which it is applicable.

(2) The *department* may hold hearings relating to the administration of this act *in accordance with the Montana Administrative Procedure Act.*

(3) Except as provided in subsection (4) of this section, no rule and no amendment or repeal of the state building code shall take effect until after a public hearing by the *department.*

(4) If a hearing has been held by the *department of justice with respect to its duties contained in title 82, chapter 12, the* board *of plumbers, the department* of health *and environmental sciences,* or state electrical board on a proposed rule relating to building and equipment standards in their respective fields, a public hearing by the *department* is not required. The proposed rule is effective upon approval of the *department* and filing with the secretary of state as a part of the state building code.

(5) If a rule relating to building or equipment standards is proposed by the *department of justice with respect to its duties contained in title 82, chapter 12,* board *of plumbers, department of health and environmental sciences,* or state electrical board which conflicts with the state building code, the *department* shall modify the proposed rule or the state building code to resolve the conflict after consultation with the state agencies affected."

Section 6. Section 69-2113, R.C.M. 1947, is amended to read as follows:

"69-2113. **Permit necessary.** *Any* person who desires to construct a building which is subject to the provisions of this *chapter* must apply for a permit from the appropriate authorities."

Section 7. Section 69-2114, R.C.M. 1947, is amended to read as follows:

"69-2114. **Department's powers — variances — review.** (1) The *department* has the power on satisfactory proof, after a public hearing, to:

(a) vary or modify, in whole or part, the application of any provision or requirement of the state building code if strict compliance would cause any undue hardship; but no variance or modification shall affect adversely provisions for health, safety, and security and equally safe and proper alternatives may be prescribed therefor;

(b) reverse, modify, or annul, in whole or part, any ruling, direction, determination, or order of any state agency affecting or relating to the construction of any building, the construction of which is pursuant or purports to be pursuant to the provisions of the state building code;

(c) review within thirty (30) days after disapproval, any application for permission for the construction of a building pursuant to the provisions of the state building code, or plans or specifications submitted in connection therewith;

(d) reverse, modify, or annul the disapproval in whole or part;

(e) within thirty (30) days, make a determination that the application or plans or specifications are in compliance with the provisions of the state building code. If this determination is made, the officer charged with the duty shall issue any permit, license, certificate, authorization, or other document required for the construction.

(2) An application for a variance, modification, reversal, annulment, or review may be made by any person aggrieved pursuant to the *Montana Administrative Procedure Act.*

(a) An application for a variance, modification, reversal, annulment, or review shall stay all proceedings in furtherance of the action appealed from unless there is a showing by the state agency that a stay would involve imminent peril to life or property.

(b) The *department,* in hearings conducted under this section, shall not be bound by common-law or statutory rules of evidence."

Section 8. Section 69-2119, R.C.M. 1947, is amended to read as follows:

"69-2119. **Violation of order or codes a misdemeanor.** Any person, served with an order pursuant to the provisions of this *chapter,* who fails to comply with the order not later than thirty (30) days after service or within the time fixed by the *department* or a local building department for compliance, whichever is the greater, or any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any person taking part or assisting in the construction or use of any building who knowingly violates any of the applicable provisions of the state building code or a municipal building code is guilty of a misdemeanor."

Section 9. Section 69-2122, R.C.M. 1947, is amended to read as follows:

"69-2122. **Mobile homes — Rule-making power.** The *department* shall *make* rules embodying the fundamental principles adopted, recommended, or issued as USAS A119.1 and USAS A119.2 and amended from time to time by the United States of America Standards Institute (USASI), successor to the American Standards Association (ASA) and American National Standards applicable to mobile homes and recreational vehicles as defined *in section 69-2105."*

Section 10. Section 69-2123, R.C.M. 1947, is amended to read as follows:

"69-2123. **Compliance with the department's rules.** No person, firm or corporation may manufacture, sell, or offer for sale any mobile home or recreational vehicle, unless such mobile home or recreational vehicle, its components, systems and appliances have been constructed and assembled in accordance with the standards herein defined. Any mobile home or recreational vehicle unit which has been approved by the *department* shall be deemed to be in full compliance with the standards and rules and regulations prescribed in this *chapter.* All mobile home or recreational vehicle units thus approved shall be acceptable as meeting the requirements of this *chapter* throughout the state of Montana without further inspection or fees except for zoning, utility connections and foundation permits required by local ordinance."

Section 11. There is a new section to be numbered 82A-215, R.C.M. 1947, which reads as follows:

82A-215. Wherever the words "state building code council" or "council" appear in sections 69-2112, 69-2116, 69-2117, and 69-2124 the word "department" shall be substituted therefor.

Section 12. There is a new section to be numbered 82A-216, R.C.M. 1947, which reads as follows:

82A-216. Wherever the words "state building code council" appear in sections 66-2416, 66-2802, 69-4117, 82-1202 and 82-1202.1 the words "department of administration" shall be substituted therefor.

Section 13. The publishers of the Revised Codes of Montana 1947, are directed, under the supervision of the supreme court of Montana, to make the substitutions enumerated in sections 11 [82A-215] and 12 [82A-216] of this act, when reprinting sections or portions of sections of the Revised Codes in either supplements to or replacement volumes for the Revised Codes.

Section 14. Sections 69-2104, 69-2106, 69-2108, 69-2115, 69-2120 and 69-2121 are repealed.

Approved March 15, 1974

CHAPTER NO. 227

AN ACT TO AMEND SECTIONS 66-2503 AND 66-2505, R.C.M. 1947,